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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1926.

No. 164.

OKLAHOMA NATURAL GAS COMPANY,
APPELLANT,

vs.

THE STATE OF OKLAHOMA, APPELLEE.

MOTION TO SUBSTITUTE PARTY APPELLANT AND AFFIDAVIT OF APPEARANCE OF SUBSTITUTE, POWER PROPERLY EXECUTED TO SUBSTITUTE OF EARLIER APPELLANT.

S. W. HAYES,
D. A. RICHARDSON,
1112 Colcord Building,
Oklahoma City,

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1926.

No. 154.

OKLAHOMA NATURAL GAS COMPANY,
APPELLANT,

vs.

THE STATE OF OKLAHOMA, APPELLEE.

MOTION TO SUBSTITUTE PARTY APPELLANT AND ENTRY OF APPEARANCE OF SUBSTITUTED PARTIES.

The petitioners, T. W. Phillips, Jr., H. J. Crawford, J. V. Ritts, Leonard C. Ritts, R. W. Hannan, A. W. Leonard, and R. C. Sharp are members of and constitute the Board of Directors of Oklahoma Natural Gas Company, appellant herein, and as such they respectfully show to the court that said Oklahoma Natural Gas Company was a corporation of the State of Oklahoma, organized in the Indian Territory in October, 1906, to have existence for twenty (20) years. On or about September 15, 1926, after the issuance of the writ of error herein, Oklahoma Natural Gas Company

sold all its franchises, gas leases, pipe lines, and other property, and on September 22, 1926, it was, by decree of the District Court of Tulsa County, Oklahoma, duly and lawfully dissolved as a corporation; and even if such dissolution had not been decreed said corporation would, nevertheless, now be dissolved by the expiration, in October, 1926, of the term for which it was organized.

Section 3361, Compiled Oklahoma Statutes, 1921, is as follows:

> "Unless other persons are appointed by the court, the directors or managers of the affairs of such corporation at the time of its dissolution are trustees of the creditors and stockholders or members of the corporation dissolved, and have full power to settle the affairs of the corporation, and to collect and pay debts and divide among the stockholders the property which remains after the payment of debts and necessary expenses; and for such purposes may maintain or defend actions in their own names by the style of the trustees of such corporation dissolved, naming it; and no action whereto any such corporation is a party shall abate by reason of such dissolution."

Petitioners further show that in its said decree of dissolution the District Court of Tulsa County, Oklahoma, appointed no other persons as trustees to wind up the affairs of said corporation, and by the provisions of the statute above quoted petitioners, as members of and constituting the board of directors of said corporation, became and are the liquidating trustees of such corporation and its property, and as such

should be substituted for Oklahoma Natural Gas Company, now dissolved, as parties appellant in the above action.

Wherefore petitioners pray that the court will make and enter an order substituting petitioners, to wit, T. W. Phillips, Jr., H. J. Crawford, J. V. Ritts, Leonard C. Ritts, R. W. Hannan, A. W. Leonard, and R. C. Sharp as trustees of Oklahoma Natural Gas Company, a dissolved corporation, as parties appellant herein in lieu of said Oklahoma Natural Gas Company.

And, if it please the court to make said order of substitution, petitioners and each of them, as such trustees, hereby enter their appearance in said action as parties appellant, adopt the brief and printed argument heretofore filed in behalf of Oklahoma Natural Gas Company, and designate David A. Richardson, of Oklahoma City, Oklahoma, as their attorney in this action, all without prejudice to the hearing and determination of this cause in its regular order.

This March 10, 1927.

(Signed) T. W. PHILLIPS, Jr.,
(Signed) H. J. CRAWFORD,
(Signed) J. V. RITTS,
(Signed) LEONARD C. RITTS,
(Signed) R. W. HANNAN,
(Signed) A. W. LEONARD,
(Signed) R. C. SHARP,

Members of the Board of Directors and Constituting the Trustees of Oklahoma Natural Gas Company, Now Dissolved.

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1926.

No. 154.

OKLAHOMA NATURAL GAS COMPANY, *Appellant*,

vs.

THE STATE OF OKLAHOMA, *Appellee*.

CONSENT TO SUBSTITUTION OF PARTIES APPELLANT.

We, the undersigned attorneys of record for appellee, acknowledge service upon us of a copy of the foregoing motion to substitute as parties appellant the Board of Directors of Oklahoma Natural Gas Company as trustees in lieu of Oklahoma Natural Gas Company, now dissolved. We admit the facts stated in said motion and consent that the order of substitution may be made.

Dated this 12th day of March, 1927.

(Signed) E. S. RATLIFF,
Attorney for the Corporation Commission of Oklahoma;

(Signed) EDWIN DABNEY,
Attorney General of Oklahoma;

(Signed) J. BERRY KING,
Assistant Attorney General,
Attorneys for Appellee.